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PRESERVAL COMMUNICATIONS COMMUNICATIONS
OFFICE OF THE SECRETARY

April 17, 2002

BRAD E. MUTSCHELKNAUS

DIRECT LINE (202) 955-9765

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> Marlene H. Dortch Secretary Federal Communications Commission Office of the Secretary 445 12th Street, S.W. Washington, D.C. 20554

> > Re:

Notification of Transfer of Subscribers from Network Plus, Inc. to Broadview NP Acquisition Corp. d/b/a Broadview Net Plus

CC Docket No. 00-257

Dear Secretary Dortch:

Pursuant to Section 64.1120 of the Commission's rules, 47 C.F.R. § 64.1120, Broadview NP Acquisition Corp. d/b/a Broadview Net Plus ("Broadview"), by its attorneys, respectfully notifies the Commission that, in connection with Network Plus, Inc.'s ("Network Plus") bankruptcy proceeding, Broadview intends to acquire substantially all of the customers of Network Plus. Broadview is complying with the Commission's rules and procedures governing compliance with section 258 of the Communications Act of 1934, as amended, including the provision of advanced written notice to all affected customers. In conformity with Commission rules, Broadview provides the following information:

**Parties to the Transaction:** The parties involved in the transaction are Network Plus, Inc., and Broadview NP Acquisition Corp. d/b/a Broadview Net Plus, the acquiring carrier.

Types of Telecommunications Services Provided to the Affected Subscribers: Network Plus currently provides local exchange, long distance (domestic and international), and data services to its subscribers. Broadview will provide the same services to these subscribers.

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### KELLEY DRYE & WARREN LLP

By Hand Delivery
Marlene H. Dortch, Secretary
April 17, 2002
Page Two

Date of Transfer of the Subscribers to Acquiring Carrier: Network Plus intends to transfer the affected subscribers to Broadview beginning 35 days after the date of the customer notification letter or as soon thereafter as all necessary regulatory approvals have been obtained.

Attached to this letter are (a) Broadview's certification of compliance with the requirements of the Commission governing transfers of subscribers, and (b) a copy of the notice sent to the affected subscribers, as required under the rules.

Please contact the undersigned if you have any questions concerning this notification.

Sincerely,

Brad E. Mutschelknaus

Melissa S. Conway

KELLEY DRYE & WARREN LLP 1200 19<sup>th</sup> Street, N.W., Suite 500

Washington, D.C. 20036

(202) 955-9600

Counsel for Broadview NP Acquisition Corp. d/b/a Broadview Net Plus

Attachments

cc: Vistronix, Inc.

# ATTACHMENT A

**CERTIFICATION OF COMPLIANCE** 

## CERTIFICATION OF BROADVIEW NP ACQUISITION CORP.

The undersigned hereby certifies as follows:

- I have read the foregoing document and hereby verify that the statements therein are true, complete and correct to the best of my knowledge.
- In accordance with Section 64.1120(e) of the Commission's rules, 47 C.F.R. §64.1120, Broadview NP Acquisition Corp. d/b/a Broadview Net Plus will comply with the required FCC procedures for the acquisition of substantially all of the customers of Network Plus, Inc. ("Network Plus"), including the provision of advanced written notice to all affected Network Plus subscribers.

BROADVIEW NP ACQUISITION CORP. D/B/A PLUS
By: Ltall
Name: Kenneth Shulman
Title: Chief Technology Officer
Date: April 4 2002

BROADVIEW NET

Sworn and subscribed to before me this 4 day of April, 2002.

Notary Public

My Commission expires: September 6, 2002

# **ATTACHMENT B**

**CUSTOMER NOTICE** 





April 16, 2002

### Important Notification:

In compliance with regulatory requirements, we are providing you with the following information. We are requesting approval from regulatory bodies to transfer your account and services from the old Network Plus entity, which is discontinuing service, to the new combined Network Plus and Broadview Networks entity, which will continue to provide you with your telecommunications services. This process will be neither service affecting nor will there will be any fees applied in connection with the transfer to the new combined entity. Your telephone numbers, features, price plans and services will all remain in effect. NO ACTION ON YOUR PART IS REQUIRED.

The FCC requires the following notice be provided:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, D.C. 20554, referencing the § 63.71 Application of Network Plus Corp. Comments should include specific information about the impact of the proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

If you have placed a "freeze" on your Network Plus local or long distance services to prevent their unauthorized transfer to another carrier, it will be lifted in order to implement the transfer. At your request, we can reestablish freeze protection for you after the transfer.

We realize you have a choice of telecommunications carriers, but we're confident you'll find that remaining our customer is the smart choice to meet your needs. You always have the option of selecting another carrier if one is available. To keep your service with the combined Network Plus and Broadview Networks entity you do not need to take any action. We anticipate that the date for the transfer may be as soon as 35 days from the date of this letter or as soon thereafter as the necessary regulatory approvals are obtained.

We thank you for your patience through this process and we appreciate your continued trust in us to provide you with the highest value of competitive telecommunications services.

### Please note the following:

- For all questions, billing requests, repairs or service needs including complaints, please continue to dial 1-800-230-6000 to reach your Network Plus service representative.
- When the transfer is complete, Broadview Networks will continue to provide you with all of the features, terms and conditions of service, and current rates that you enjoy today.
- Notice of any future changes in rates, terms and conditions of service will be provided to you as required by law.
- If you have any questions about this process or about Broadview Networks in general, please call 1-877-219-6401, or visit our website at www.broadviewnet.com (NOTE, THE BROADVIEW NETWORKS REPRESENTATIVES WILL NOT HAVE ACCESS TO YOUR ACCOUNT INFORMATION UNTIL THE CHANGE OF OWNERSHIP IS COMPLETE. FOR BILLING, REPAIR AND SERVICE REQUESTS, PLEASE CONTINUE TO DIAL 1-800-230-6000 TO REACH YOUR NETWORK PLUS SERVICE REPRESENTATIVE).

As our valued customer, we thank you for your business!